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Rule Adoption Notice

Agricultural Burning, Chapter 173-430 WAC

As a result of legislation passed in 2003 (ESSB 5766) Ecology is required to send out notification to businesses affected by rule adoptions. To comply with this law and to keep the regulated community better informed of Ecology rule adoptions, you are receiving this notification of a rule adoption.

Agricultural Burning Program Requirements

Chapter 70.94 RCW, the Washington Clean Air Act, declares it is the intent of the state to protect public health and it is the policy of the state that the responsibilities and costs of protecting the air resource and operating state and local air pollution control programs be shared as equitably as possible among all sources whose emissions cause air pollution.

Chapter 70.94 RCW describes a variety of strategies to control and reduce the impact of emissions including controls on emissions created from agricultural burning. The act intends that public health be protected and also allows for agricultural burning that is reasonably necessary.

The act also requires that burning be restricted and regulated to address the potentially competing goals of both limiting air pollution and allowing agricultural burning. Chapter 70.94 RCW authorizes the Department of Ecology and Local Air Authorities to implement the provisions of that act related to agricultural burning.

This rule establishes controls for agricultural burning in the state in order to minimize adverse health and the environment effects from agricultural burning in accord with the most reasonable procedures to follow in safeguarding life and property under all circumstances or is reasonably necessary to carry out the enterprise or both. The control strategies include:

- (1) Establishing a permit program with minimum statewide requirements and specific burn authorizations.
- (2) Providing for implementation of a research program to explore and identify economical and practical alternatives to agricultural burning.
- (3) Encouraging and developing economically feasible alternative methods to agricultural burning.
- (4) Limiting the scope of the rule to agricultural burning and distinguishing between agricultural burning and other types of burning.
- (5) Providing for local administration of the permitting program through delegation.
- (6) Assessing air quality within a region and incorporating this data into an evaluation tailored to emissions from agricultural burning.



(7) Making use of metering as a component of the agricultural burning permit program. Metering is a technique of limiting emissions from agricultural burning at specific times and places by taking into account potential emission rates, forecasted weather (dispersion), and current and projected air quality.

(8) Using improved and proven technology in evaluating the conditions under which burning is authorized, including those related to meteorology, emissions, and air pollution.

(9) Providing for education and communication.

Summary of the rule changes adopted on July 26, 2006

The rule amendment adopts changes designed to update the agricultural burning program in the State of Washington. The changes include:

- incorporating changes made by the legislature (from 1995-2005)
- revising definitions
- organizing sections to be more user friendly
- clarifying technical issues
- describing procedures Ecology or local air authorities use to assess and grant specific permission to burn.
- integrating the current metering system into the goals and procedures
- specifying additional permit related requirements
- adjusting permitting authority responsibilities
- spelling-out delegation criteria
- adding a minimum permit and fee level for orchard tear-out (20 acres at \$50.00)
- adjusting the variable fee to \$2.25 per acre in 2008.

Rule Effective Date:

This amendment to Chapter 173-430 WAC becomes effective on August 27, 2006.

Appeal procedures

This adoption can be appeal under procedures described in the Administrative Procedure Act (RCW 34.05.330). For additional information about appealing this adoption please contact Jerry Thielen, Ecology's Rules Coordinator at (360) 407-7551 or by email jthi461@ecy.wa.gov.